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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA
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14 SANKONA GRAHAM,

15 Plaintiff,

16 vs.

17 THEODORE EISENLOFFEL, *et al.*,

18 Defendants.
19 _____/

Case No.: 2:21-cv-01674-RFB-MDC

**MOTION TO STAY BRIEFING
PENDING MANDATORY
SETTLEMENT CONFERENCE**
(First Request – LR IA 6-1)

20 COMES NOW, DEFENDANTS, NYE COUNTY, THEODORE EISELOFFEL,
21 SAMUEL MOUNCE, SHARON WEHRLY, DAVID BORUCHOWITZ and WILLIAM
22 GRAY (hereinafter, the “Nye County Defendants”), by and through their Attorneys of
23 Record, ERICKSON, THORPE & SWAINSTON, LTD., and BRENT L. RYMAN, ESQ.,
24 and hereby respectfully request an order staying dispositive motion briefing pending the
25 parties’ participation in the Mandatory Settlement Conference recently ordered before United
26 States Magistrate Judge Elayna J. Youchah, so that in the event of a resolution these Nye
27 County Defendants may save the time, effort and fees required to brief two separate
28 dispositive motions in the next few weeks. (*See*, Minute Order (ECF No. 177)).

1 Discovery has ended and this *pro se* civil rights case is staggering into the dispositive
2 motion phase. As the Docket will reflect, the dispositive motion deadline set by this Court
3 is May 1, 2024, and these Nye County Defendants of course intend to file a Motion for
4 Summary Judgment asserting Qualified Immunity among other defenses. (*See*, Order
5 (ECF No. 159), p. 2, ll. 12). Plaintiff has also filed his own offensive Motion for Summary
6 Judgment (ECF No. 175), and the due date for the Nye County Defendants' responses is set
7 for April 24, 2024.¹

8 In the midst of these deadlines, the District Court issued a Minute
9 Order (ECF No. 177) earlier this week ordering that the matter be referred to a Settlement
10 Conference. The Nye County Defendants now respectfully request that all pending
11 dispositive motion briefing – including their response to Plaintiff's offensive Motion for
12 Summary Judgment (ECF No. 175) and the deadline for their own anticipated Motion for
13 Summary Judgment – be stayed until 30 days following the Settlement Conference, if the
14 matter fails to settle at that time. As unlikely as it may be for the matter to settle in its current
15 posture, the Nye County Defendants respectfully suggest it will be more likely to reach
16 resolution if they are not forced to expend the time and fees involved in briefing two separate
17 dispositive motions before that time.

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28 ¹. While the Nye County Defendants have filed a Motion (ECF No. 176) requesting a brief extension of time – up to and including the scheduled dispositive motion deadline of May 1, 2024 – within which to oppose or otherwise respond, no ruling has yet issued.

1 As with their Motion for Extension of Time (ECF No. 176), the Nye County
2 Defendants do not seek this stay for the purposes of undue delay, but instead in the interests
3 of judicial and litigational economy and with the good faith intention of making the
4 Mandatory Settlement Conference as effective as it possibly can be under the circumstances.
5 The Nye County Defendants have sought this extension shortly after the District Court's
6 Minute Order (ECF No. 177) setting the Mandatory Settlement Conference and the
7 subsequent designation of Magistrate Judge Youchah as Settlement Judge.

8 DATED this 11th day of April, 2024.

9 ERICKSON, THORPE & SWAINSTON, LTD.

10
11 /s/ Brent Ryman

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CERTIFICATE OF SERVICE

Pursuant to FRCP Rule 5, I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by:

- ☐ U.S. Mail
☐ Facsimile Transmission
☐ Personal Service
☐ Messenger Service
☒ CMECF

addressed to the following:

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DATED this 11th day of April, 2024.

/s/ Brent Ryman
Brent Ryman